

**LUMPKIN COUNTY  
BOARD OF COMMISSIONERS  
Regular Meeting Agenda  
Lumpkin County Park & Recreation Community Center  
Heritage Room  
365 Riley Road  
Dahlonega, Georgia**

**May 21, 2009**

**6:00 P.M.**

*\*As Amended*

**I. CALL TO ORDER**

Chairman Raber

**II. INVOCATION**

Rev. Lyman Caldwell  
Yahoola Baptist Church

**III. APPROVAL OF AGENDA**

**IV. PRESENTATIONS**

- Employee Awards

**V. APPROVAL OF MINUTES**

- April 16, 2009 Regular Meeting 6:00 p.m.
- May 7, 2009 Work Session 9:00 a.m.
- May 7, 2009 Special Called Meeting (*immediately following 9 am WS*)

**VI. REPORTS**

- Department reports are on file in the Board of Commissioners Office
- Elected Officials
  - \* Tax Commissioner - Review Six-month Temporary Employee Position
- Chamber of Commerce

**VII. RESOLUTIONS**

- 2009-32 Authorize Sale & Disposition of Surplus Property
- 2009-33 2009 CDBG/ARRA Grant Application
- 2009-34 Identity Theft Policy
- 2009-35 Adopt Partial Plan Update Lumpkin County Comprehensive Plan
- 2009-36 Appoint Georgia Mountains Community Services Board  
(*Reappoint Anne Mundy -Seat 1, Term Expires 6/30/2012*)
- 2009-37 Appoint Georgia Mountains Regional Commission Council  
(*Appoint CEO of Governing Authority, Term concurrent with term of office*)
- 2009-38 Appoint Lumpkin County Board of Tax Assessors  
(*Reappoint Catherine Macbeth Seat 1 & John Smoot Seat 2, Terms Expire 6/30/2014*)
- 2009-39 Appoint Lumpkin County Department of Family & Children's Services Board  
(*Reappoint Mary Ann Robbins Seat 1, Term Expires 06/30/2014*)
- 2009-40 Appoint Lumpkin County Park & Recreation Board  
(*Appoint Chris Faulkner Seat 9, Unexpired Term Ending 12/31/2011*)
- 2009-41 Appoint Lumpkin County Planning Commission  
(*Appoint Frances French Seat 7, Unexpired Term Ending 08/27/2009*)

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- 2009-42 Appoint Courthouse/Judicial Center/2008 SPLOST Management Committee  
*(Chairman of the Board of Commissioners, 3<sup>rd</sup> District Commissioner, County Manager, Public Works Director, Finance Director, Enotah Judicial Circuit Designee, Magistrate Judge, and Public Building Authority Designee, and Citizen Appointment Mr. Paul Wingo)*
- 2009-43 Appoint North Georgia Resource Management Authority (NGRMA) Board  
*(4<sup>th</sup> District Commissioner and County Manager)*
- 2009-44 Amend Lumpkin County Ten Year Solid Waste Management Plan

**VIII. CONTRACTS/AGREEMENTS**

- Clough Harbour & Associates LLP (CHA) – Special Purpose Local Option Sales Tax (SPLOST) Management *(new)*
- Legacy Link, Inc. – Local Share Commitment Letter *(renewal)*
- British Soccer Camp Agreement/Confirmation *(renewal)*
- ABL Management, Inc. – Food Service Agreement at LC Detention Center *(renewal)*
- Georgia Mountains Regional Development Center Community Development Block Grant (CDBG) Application Preparation & Administration – Senior Center Project *(new)*

**IX. OTHER ITEMS**

- Tax Commissioner - Review Six-month Temporary Employee Position
- Allocation of County Property Requests
- Commissioner Training
- Delinquent Taxes

**X. COMMENTS**

- COUNTY MANAGER
  - Park & Recreation 2009 Spring Sports Festival (5/25/2009)
- CHAIRMAN
- COMMISSIONER
- COUNTY ATTORNEY
- PUBLIC

**XI. ANNOUNCEMENTS**

**XII. ADJOURN**

Chairman Raber

**LUMPKIN COUNTY  
BOARD OF COMMISSIONERS  
Regular Meeting Agenda  
Lumpkin County Park & Recreation Community Center  
Heritage Room  
365 Riley Road  
Dahlonega, Georgia**

**May 21, 2009  
6:00 P.M.**

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**FUTURE MEETINGS:**

**June 2009**

- ❖ Work Session – Park & Rec. Community Center
  - NEW DATE
- ❖ Board Meeting – Park & Rec. Community Center
  - NEW DATE

~~June 04, 2009 at 9:00 am~~  
June 11, 2009 at 9:00 am  
~~June 18, 2009 at 6:00 pm~~  
June 25, 2009 at 6:00 pm

**July 2009**

- ❖ Work Session – Park & Rec. Community Center
- ❖ Board Meeting – Park & Rec. Community Center

July 02, 2009 at 9:00 am  
July 16, 2009 at 6:00 pm

**August 2009**

- ❖ Work Session – Park & Rec. Community Center
- ❖ Public Hearing Proposed 2010 Budget
  - Park & Rec. Community Center
- ❖ \*Public Hearing "Notice of Property Tax Increase"
  - Park & Rec. Community Center
- ❖ \*Public Hearing "Notice of Property Tax Increase"
  - Park & Rec. Community Center
- ❖ \*Public Hearing "Notice of Property Tax Increase"
  - Park & Rec. Community Center
- ❖ Board Meeting – Park & Rec. Community Center

August 06, 2009 at 9:00 am  
August 13, 2009 at 5:00 pm  
August 13, 2009 at 6:00 pm  
August 20, 2009 at 9:00 am  
August 20, 2009 at 4:00 pm  
August 20, 2009 at 6:00 pm

**September 2009**

- ❖ Work Session – Park & Rec. Community Center
- ❖ Board Meeting – Park & Rec. Community Center

September 03, 2009 at 9:00 am  
September 17, 2009 at 6:00 pm

**REGULAR MONTHLY MEETING OF THE LUMPKIN COUNTY  
BOARD OF COMMISSIONERS**

May 21, 2009

**CALL TO ORDER**

Chairman Raber called the meeting to order at 6:00 p.m. in the Heritage Room in the Park & Recreation Community Center. Present were John Raber, Bill Scott, Tim Bowden, Clarence Stowers and Clarence Grindle.

**INVOCATION**

Reverend Lyman Caldwell of the Yahoola Baptist Church gave the invocation which was followed by the pledge of allegiance led by Chairman Raber.

**APPROVAL OF AGENDA**

***Motion:*** Commissioner Stowers made a motion to amend the agenda to move the Tax Commissioner item under reports, to add Resolution 2009-44 Amend Lumpkin County Ten Year Solid Waste Management Plan and to approve the agenda as amended. The motion was seconded by Bill Scott and approved by all district commissioners. Motion carried.

**PRESENTATIONS**

Employee Awards

The County Manager presented awards first acknowledging nominees from each department of general government, Monica Kingery from the Senior Center, David Bryan from Fleet Maintenance, and Dennis Rowland from Planning.

Judy Parker employee of year from LCSO;  
Tanya Peels, employee of year from 911 Center;  
David Wimpy employee of year from Fire/EMS;  
Pamela Stewart, employee of year from General Government;  
Lyman Caldwell is retiring after 10 years of service to the county. He received a certificate of appreciation for his service, the county coin and his retirement award.

**APPROVAL OF MINUTES**

April 16, 2009 Regular Meeting 6:00 p.m.

May 7, 2009 Work Session 9:00 a.m.

May 7, 2009 Special Called Meeting (immediately following 9 am WS)

***Motion:*** Commissioner Scott moved to approve the minutes as presented which was seconded by Tim Bowden. The motion was approved by Commissioners Scott, Bowden, Stowers and Grindle. Motion carried.

**REPORTS**

Department reports are on file in the Board of Commissioners Office  
Elected Officials  
Chamber of Commerce

Tax Commissioner

Tax Commissioner Rachel Pruitt asked that the board approve funds so that her part-time position can be filled for the remainder of this year. She reminded the board that this part-time person is filling the position that she vacated when she was elected Tax Commissioner. The cost would be approximately \$10,000.00 to the County for the remainder of this year as there is no extra money within the Tax Commissioner's budget at this time.

*Motion: Commissioner Bowden moved to approve the request. The motion died for lack of a second.*

*Motion: Commissioner Scott made a motion to deny the request because it is not in the budget. The motion was seconded by Clarence Stowers. Commissioners Scott, Bowden and Stowers voted in favor of the motion. Commissioner Bowden was opposed. Motion carried.*

Chamber of Commerce Report – Stephen Smith

Mr. Smith gave details of upcoming tourism events and festivals. He said the chamber is focusing on member needs.

**RESOLUTIONS**

2009-32 Authorize Sale & Disposition of Surplus Property

This resolution provides for the identification and classification of certain Lumpkin County property as surplus property and authorizes its sale and disposition.

2009-33 2009 CDBG/ARRA Grant Application

This resolution approves the application for a Community Development Block Grant for improving and increasing the size of the Lumpkin County Senior Center.

2009-34 Identity Theft Policy

This resolution adopts and implements the Lumpkin County Identity Theft Prevention Program.

2009-35 Adopt Partial Plan Update Lumpkin County Comprehensive Plan

This resolution approves the Lumpkin County Comprehensive Plan Update of the original Comprehensive Plan 2004-2025.

2009-36 Appoint Georgia Mountains Community Services Board

This resolution reappoints Anne Mundy to Seat 1 of the Georgia Mountains Community Services Board with a term ending June 30, 2012.

2009-37 Appoint Georgia Mountains Regional Commission Council

This resolution appoints John Raber as the Lumpkin County member of the Georgia Mountains Regional Commission Council for a term beginning July 1, 2009 and then concurrent with his term of office.

2009-38 Appoint Lumpkin County Board of Tax Assessors

This resolution reappoints Catherine Macbeth to Seat 1 and John Smoot to Seat 2 of the Lumpkin County Board of Tax Assessors each with terms expiring June 30, 2014.

2009-39 Appoint Lumpkin County Department of Family & Children's Services Board

This resolution provides for the reappointment of Mary Ann Robbins to Seat 1 of the Lumpkin County Department of Family & Children's Services Board for a term beginning July 1, 2009 and ending June 30, 2014.

2009-40 Appoint Lumpkin County Park & Recreation Board

This resolution provides for the appointment of Chris Faulkner to Seat 9 of the Lumpkin County Park & Recreation Board with a term ending December 31, 2011.

2009-41 Appoint Lumpkin County Planning Commission

This resolution appoints Frances French to Seat 7 of the Lumpkin County Planning Commissioner to complete and unexpired term ending August 27, 2009.

2009-42 Appoint Courthouse/Judicial Center/2008 SPLOST Management Committee

This resolution appoints members to a Courthouse/Judicial Center – 2008 SPLOST Management Committee as follows: Chairman of the Lumpkin County Board of Commissioners – Seat 1, Commissioner District 3 – Seat 2, County Manager – Seat 3, Public Works Director – Seat 4, Finance Director – Seat 5, Enotah Judicial Circuit Designee – Seat 6, Magistrate Judge – Seat 7, Public Building Authority Designee – Seat 8, Citizen Paul Wingo – Seat 9. This board serves at the pleasure of the Board of Commissioners.

2009-43 Appoint North Georgia Resource Management Authority (NGRMA) Board

This resolution appoints the District 4 Commissioner and the Lumpkin County Manager to the North Georgia Resource Management Authority (NGRMA) Board of Directors. They will serve at the pleasure of the Chairman, Board of Commissioners.

*Motion: Commissioner Scott moved to approve all the above by acclamation. The motion was seconded by Tim Bowden and approved by all district commissioners. Motion carried.*

2009-44 Amend Ten Year Solid Waste Management Plan

Planning & Public Works Director Larry Reiter stated that the land limitation in this resolution applies only to the unincorporated portion of Lumpkin County.

*Motion: Commissioner Stowers made a motion to approve this resolution which was seconded by Clarence Grindle. Commissioners Scott, Bowden, Stowers and Grindle approved and the motion carried.*

**CONTRACTS/AGREEMENTS**

Clough Harbour & Associates LLP (CHA) – Special Purpose Local Option Sales Tax (SPLOST) Management (new)

This is Extra Work Authorization (EWA) No. 1 to the CHA Design Services agreement for the Lumpkin County Justice Center. In addition to services provided for the Justice Center, this EWA would allow CHA to perform Program Management Services for the Lumpkin County SPLOST Program.

Term: Up to the first 12 months of the current SPLOST Program

Amount: \$140.00 per hour, approximately 23 hours per month, not to exceed an annual fee of \$38,600.00

Legacy Link, Inc. – Local Share Commitment Letter (renewal)

This is the local share match for FY 2010 which is the same amount as requested for FY 2009.

Term: July 1, 2009 – June 30, 2010

Amount: \$8,450.00

British Soccer Camp Agreement/Confirmation (renewal)

This is an agreement between British Soccer, a division of Challenger Sports Corporation, and Lumpkin County. The “British Soccer” agrees it will conduct an instructional soccer camp.

Term: One year

Amount: No charge to County.

ABL Management, Inc. – Food Service Agreement at Lumpkin County Detention Center (renewal)

This is an agreement and annual renewal for food service management at the Detention Center in the amount determined by inmate population.

Amount:	<u>Inmates</u>	<u>Prices per Meal</u>	<u>Inmates</u>	<u>Prices per Meal</u>
	0-80	\$3.1918	121-130	\$1.4436
	81-90	\$1.8218	131-140	\$1.3838
	91-100	\$1.6977	141-150	\$1.3322
	101-110	\$1.5970		

Term: One year

Georgia Mountains Regional Development Center Community Development Block Grant (CDBG) - Application Preparation & Administration – Senior Center Project (new)  
Stimulus Community Development

***Motion:** Commissioner Bowden moved to approve these contracts by acclamation. The motion was seconded by Bill Scott and approved by all district commissioners. Motion carried.*

**OTHER ITEMS**

Allocation of County Property Requests

Commissioner Bowden read from a written statement and asked that the entire document be recorded with the minutes.

“After having given Rainbow Children's Home the following options;

- a. Board of Commissioners would prefer to not lease any land
  - a. 1. But would honor their contract if they so desired.
- b. To swap Yahoola Creek Property for land either at Nimblewill Fire Station area or property at Blackburn Park;

The Rainbow Children's Home Board voted not to renew the Yahoola Creek property contract and not pursue the lease of any property (other than where their current facility is located)”

Chairman Raber stated that there has been no board action whatsoever on this matter concerning county property or a future swimming pool site.

***Motion:** Commissioner Bowden made a motion that Rainbow Children's Home be denied Yahoola Creek Park property, that the lease on that property not be renewed and that the county reimburse Rainbow Children's Home half of the agreed upon reimbursement of \$21,535.00 in 2011 and half in 2012 pending availability of funds. That motion was seconded by Bill Scott. Clarence Stowers opposed the motion, Clarence Grindle abstained, Bill Scott and Tim Bowden approved. Motion carried.*

***Motion:** Commissioner Bowden moved to not enter into a property contract with Community Helping Place which was seconded by Bill Scott. Commissioners Scott, Bowden and Grindle were in favor; Commissioner Stowers was opposed. Motion carried.*

***Motion:** Commissioner Bowden made a motion to not enter into a contract with NOA concerning the property where Candler Concrete is currently located. The motion was seconded by Bill Scott. The motion was opposed by Clarence Stowers but approved by all other district commissioners. Motion carried.*

Commissioner Stowers said he wants it on the record that he is somewhat ashamed that we are backing out of an agreement that we have made. He said the needs of the community have not changed.

Commissioner Bowden said he is not opposed to the organizations but does not think it is the place of the board to give away county property.

Commissioner Training

The Chairman raised the question of how much training beyond certification the county should pay for given the current economic situation. He said that he is not referring to mandatory training for committees on which board members serve.

***Motion:** Commissioner Scott moved to defer discussion on this matter to the work session. The motion was seconded by Clarence Stowers. All district commissioners were in favor of the motion and the motion carried.*

#### Delinquent Taxes

**Motion:** Commissioner Stowers made a motion to table this matter until the work session which was seconded by Clarence Grindle. Clarence Stowers and Tim Bowden approved the motion; Bill Scott and Clarence Grindle opposed. Chairman Raber cast the tie-breaking vote and was opposed. Motion failed.

#### Staff Analysis Delinquent Taxes

##### **Courses of Action:**

- 3) The Board can choose to cease business dealings with those vendors who have outstanding tax bills and withhold payment from contractors that are currently employed by the County. The Board can opt to garnish the wages of employees who have outstanding tax bills in accordance with federal wage laws. The Board can opt to garnish the earnings of constitutional officers in accordance with federal and state law until the balance of outstanding taxes is liquidated. The Board can establish a policy to handle such occurrences in the future like adding a qualifying factor for bids so that if taxes aren't paid the bid can be rejected and amending the Civil Service policies to provide a provision for collection of delinquent taxes owed by an employee. The collection steps can only be taken after a FIFA has been filed which is a "judgment" for the County.

**Recommendation:** It is the recommendation of staff that the Board pursue option 3.

**Motion:** Commissioner Scott moved to accept option (3) three as recommended by the County Manager and staff. The motion was seconded by Clarence Grindle. Bill Scott and Clarence Grindle were in favor of the motion. Clarence Stowers and Tim Bowden were opposed. Chairman Raber cast the tie-breaking vote in favor. Motion carried.

#### **COMMENTS**

##### **COUNTY MANAGER**

##### Park & Recreation 2009 Spring Sports Festival (5/25/2009)

The County Manager announced the Festival on May 25th and stated that the Parade will be at 12:00 p.m. He reminded the board that there had been no opening day ceremony for baseball season due to the weather.

He also announced the "Buy Lumpkin" festival to be held at the Courthouse on Saturday, May 30<sup>th</sup>. He said that the Development Authority Director had sent out 5,000 invitations for that event.

Veterans' Day activities will be Monday, May 25<sup>th</sup> at the Courthouse. Commissioner Stowers will represent the County as Chairman Raber will be out of town.

##### **CHAIRMAN**

The Chairman commented on the joint meetings being held between the City, County, Board of Education and NGCSU. He stated that Dr. Potter said there will be 1,000 additional new students beginning September 2010. The Chairman also pointed out that we should anticipate even more traffic when Agora Foods is fully operational. He suggested that Commissioner Stowers start to look into a transportation study.

**Motion:** Commissioner Grindle made a motion to approve Clarence Stowers looking into a transportation study. That motion was seconded by Tim Bowden and all district commissioners were in favor. Motion carried.

The Chairman then announced that he wanted to change the dates of the June Work Session and Regular Meeting to June 11 and June 25 respectively because one district commissioner, the county manager and finance director will be out of town on the Work Session scheduled date of June 4.

On behalf of the board the Chairman thanked all those who put up memorial flags and also for those veterans for serving their country.

Sheriff Jarrard gave an update on Officer Andrew Sullens' condition. Officer Sullens is a member of a deployed reserve unit and was seriously injured in an IED explosion. He is the son of Freddy and Melinda Sullens.



COMMISSIONER

Commissioner Bowden led a prayer for Officer Sullens.

COUNTY ATTORNEY

The County Attorney had no comments.

PUBLIC

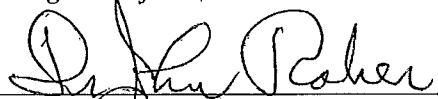
Citizen Karen Bowden asked a question about turning down property for Rainbow's Children Home.

ADJOURN

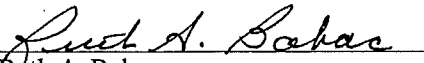
There being no further business the Chairman Raber asked for a motion to adjourn at 7:15 p.m.

*Motion: Commissioner Stowers moved to adjourn the meeting which was seconded by Clarence Grindle. All district commissioners concurred, the motion carried and the meeting was adjourned.*

6/25/2009  
Date

  
John Raber, Chairman  
Lumpkin County Board of Commissioners

Attest:

  
Ruth A. Bohac  
Clerk, Lumpkin County